

# Arlington Town Meeting — Motion to Substitute

**ARTICLE NO. 43**

**Dated: May 11, 2021**

I, Allan Tosti, do hereby submit the following Substitute Motion for the main motion of the Redevelop Board on Article 43:

## **VOTED:**

That the Zoning Bylaw be and hereby is amended as follows:

### **Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:**

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing as of May 1, 2021 within the R0 or R1 zoning districts. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory dwelling unit	SP	SP						

### **Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:**

#### **5.9.2 Accessory Dwelling Units**

- A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling existing as of May 1, 2021, in the R0 or R1 districts, provided that all of the following conditions are met:
- (1) The gross floor area of the single-family dwelling has not been increased since May 1, 2021;
  - (2) The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw;
  - (3) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;

- (4) The accessory dwelling unit must be contained within the gross floor area of the existing principal dwelling, except for the addition of a second means of egress or other modification to meet the State Building Code. The principal dwelling unit shall not be otherwise expanded;
- (5) The owner(s) of the structure in which the accessory dwelling unit is located must claim one of the dwelling units as their principal residence;
- (6) No additional off-street parking spaces are required;
- (7) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
- (8) The minimum occupancy or rental term shall be 1 year and the unit shall not be sublet by the tenant.

B. The following procedures apply to accessory dwelling unit:

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit on a form provided by the Town signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's principal residence;
- (4) The owner shall submit annually a notarized affidavit on a form provided by the Town signed under the pains and penalties of perjury to the Building Inspector that confirms the owner's continued compliance with the requirements of Section 5.9.2; and
- (5) When a dwelling containing an accessory dwelling unit previously permitted under this Section is sold or otherwise conveyed, the special permit for that accessory dwelling unit shall remain in force only if all requirements of this Section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit on a form provided by the Town, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their principal residence. The dwelling unit and accessory unit shall not be sold or otherwise conveyed separately.

Signed:

*Allan Tosti*

May 1, 2021, Precinct 17,

Date Voted:\_\_\_\_\_

Action Taken:\_\_\_\_\_